

# INDIA IS NOT A TRUE REPUBLIC

A Letter to the  
Prime Minister of India  
to Make India a  
True Republic



By  
**A. SIVA PRASAD M.A., LL.B.**

The real violence is committed in the writing of history, the records of the legal system, the reporting of news, through the manipulation of social contracts, and the control of information. - Bryant H. McGill

**INDIA IS NOT A TRUE REPUBLIC**

# **INDIA IS NOT A TRUE REPUBLIC**

**A Letter To The Prime Minister Of India  
To Make India A True Republic**

**By**  
**A. SIVA PRASAD** M.A., LL.B.

**Copyright 2016 A. Siva Prasad, Hyderabad, India**

No part of this publication may be reproduced, distributed, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without prior written permission from the copyright holder.

**First Published in 2016**

**e-book Published in 2019**

**Published by:**

A.Siva Prasad M.A., LL.B.

Hyderabad, Telangana State, India – 500027

**For copies contact:**

Email: [advocatesivaprasad@gmail.com](mailto:advocatesivaprasad@gmail.com)

Whatsapp No. (+91)-9493193939

Mobile No. (+91)-9493193939

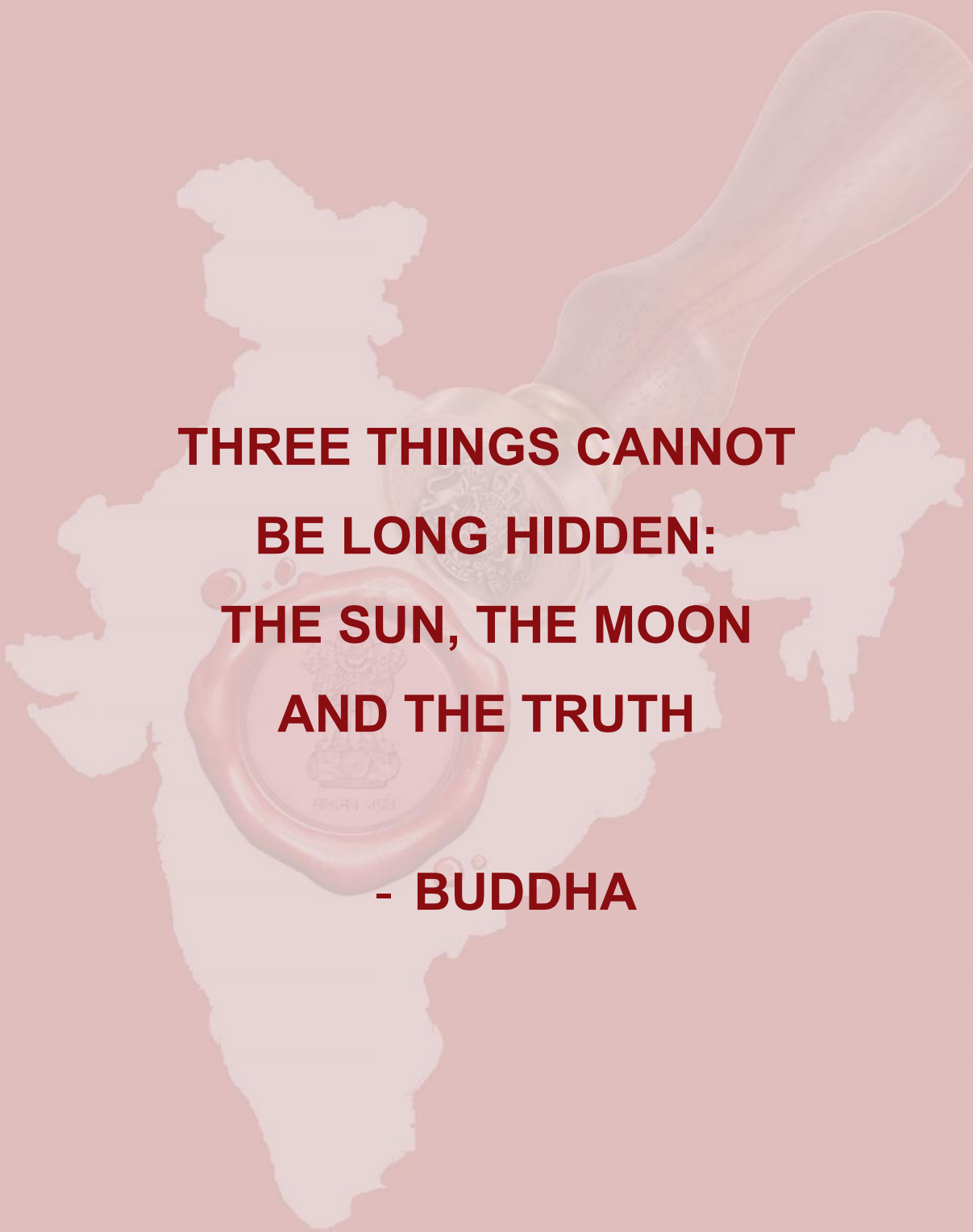
**For comments and suggestions:**

Email: [advocatesivaprasad@gmail.com](mailto:advocatesivaprasad@gmail.com)



**DEDICATION**

*This work is dedicated to  
the Eternal Torch Bearers of  
Eternal Truth and Eternal Dharma and  
Future Freedom Fighters who restore  
True Freedom and Sovereignty of the Greatest Nation  
of the Bhaarithas of this Holiest Motherland of Ours*



**THREE THINGS CANNOT  
BE LONG HIDDEN:  
THE SUN, THE MOON  
AND THE TRUTH  
- BUDDHA**



## Contents

Page No.		
1. Introduction		01
2. (1) A Letter to the Prime Minister		05
(2) 26 <sup>th</sup> January, 1950		11
(3) London Declaration, 1949		14
(4) Commonwealth Constitution features		16
(5) The Constitution (Declaration as to Foreign States) Order, 1950		20
(6) Dual Citizenship		21
(7) Dual Citizenship holders are eligible to get elected		22
(8) Allegiance to <i>"Her Majesty" British Queen Elizabeth II by members of the Indian Parliament</i>		23
(9) "Special Authority" to the British King/Queen		24
(10) Reciprocity Act, 1943		25
(11) The Preamble of the Constitution of India		26
(12) RTI		34
(13) Minicoy Island		37
(14) Upholding "Her Majesty" Queen Elizabeth II's Sovereignty over India		39
3. Conclusion		45
4. Acts, Documents, Books referred		48

## Introduction

India is neither a true independent country nor a true Republic. There is no need to have formal schooling in Law to understand this.

A person cannot claim to be the owner and tenant of the same residential property at the same time. He can be either the owner or the tenant and in the same way no nation can be the Sovereigns of their country and subjects of a foreign King/Queen at the same time. They can be either the Sovereigns of their country or the Subjects of a foreign King/Queen.

Any person with or without any formal general education who has the ability to know that the owner can never be the tenant of the same residential property at the same time and vice versa can also know that the people being the subjects of a foreign King/Queen can never be the Sovereigns of their own country at the same time.

The Subjectship to the foreign King/Queen has to cease to become the Sovereigns. This happens only when the foreign King/Queen relinquishes the Sovereignty over the subject people.

The British Crown did not relinquish the Sovereignty over India to the people of India till today and the people of India are being considered as the British Subjects by the British Laws openly and by the Indian Laws in a concealed manner.

The British Crown had given the Dominion Status to India on 15<sup>th</sup> August 1947 by keeping with it the Sovereignty over India and made the people of India to continue as the British Subjects. The King George VI had appointed the Governor General of India through the commission under the Royal Sign Manual and delegated the powers to appoint Ministers in order to establish His

# INDIA IS NOT A TRUE REPUBLIC

Government in India i.e., the Government of the British Subjects, by the British Subjects, for the British Subjects under the British Crown and to give Royal assent to the Laws made by the Dominion Legislature.

The Constituent Assembly of the Dominion of India had ratified the London Declaration, 1949 on 17<sup>th</sup> May 1949 to declare and affirm to continue the same position which was given to India by the British Crown on 15<sup>th</sup> August 1947. As the Constituent Assembly of India had ratified the London Declaration, the British Crown did not relinquish the Sovereignty over India to the people of India. As the British Crown did not relinquish the Sovereignty over India to the people of India, they (the people of India) did not cease to be the British Subjects. As the people of India did not become the true Sovereigns of India but remained to continue as the British Subjects, India did not become a true Republic on 26<sup>th</sup> January 1950. A true Republic is a State where its Sovereignty is vested in the hands of the people of the State and the State organs derive the power of governance from the Sovereign people.

The Constituent Assembly of India had set aside the resolution to constitute India into a Sovereign Democratic Republic made in the form of the Preamble and instead made a Dummy Republic within the British Commonwealth of Nations by framing a “Commonwealth” Constitution of India without any foundational features of a Republican Constitution. As the British Crown did not relinquish the Sovereignty over India to the people of India, the word Republic in the Preamble is a lifeless empty word and hence the Preamble is not useful even as an interpretation clause to draw an implication that India had become a true Republic on 26<sup>th</sup> January 1950 and more over the lifeless Preamble cannot prevail over the “Commonwealth” Articles in the Constitution of India.

To make India a true Republic, the Constitution of India should declare India as a Republic through any of its Articles and to give life to that Article on the commencement day, the British Crown should relinquish the Sovereignty over India to the people of India through a Treaty.



But neither the British Crown relinquished the Sovereignty over India nor the Constituent Assembly of India had declared India as a Republic through any Articles of the Constitution of India. If both the British Crown and the Constituent Assembly of India had played their respective roles to fulfil the true aspirations of the people, India could have become a true Republic with the full commencement of the Constitution of India on 26<sup>th</sup> January 1950 and there would not have been any need for the Government of India to read out a separate Proclamation declaring India to be a Sovereign Democratic Republic on the same day without any authority from any of the Articles of the Constitution of India.

This Proclamation reminds the story of “Emperor’s New (Invisible) Clothes”. In this story some cunning people make the Emperor believe that the clothes made by them would be visible only to the people who have pure hearts but not to impure hearts and make him come out naked for the Royal procession and thus fooled him before his Subjects.

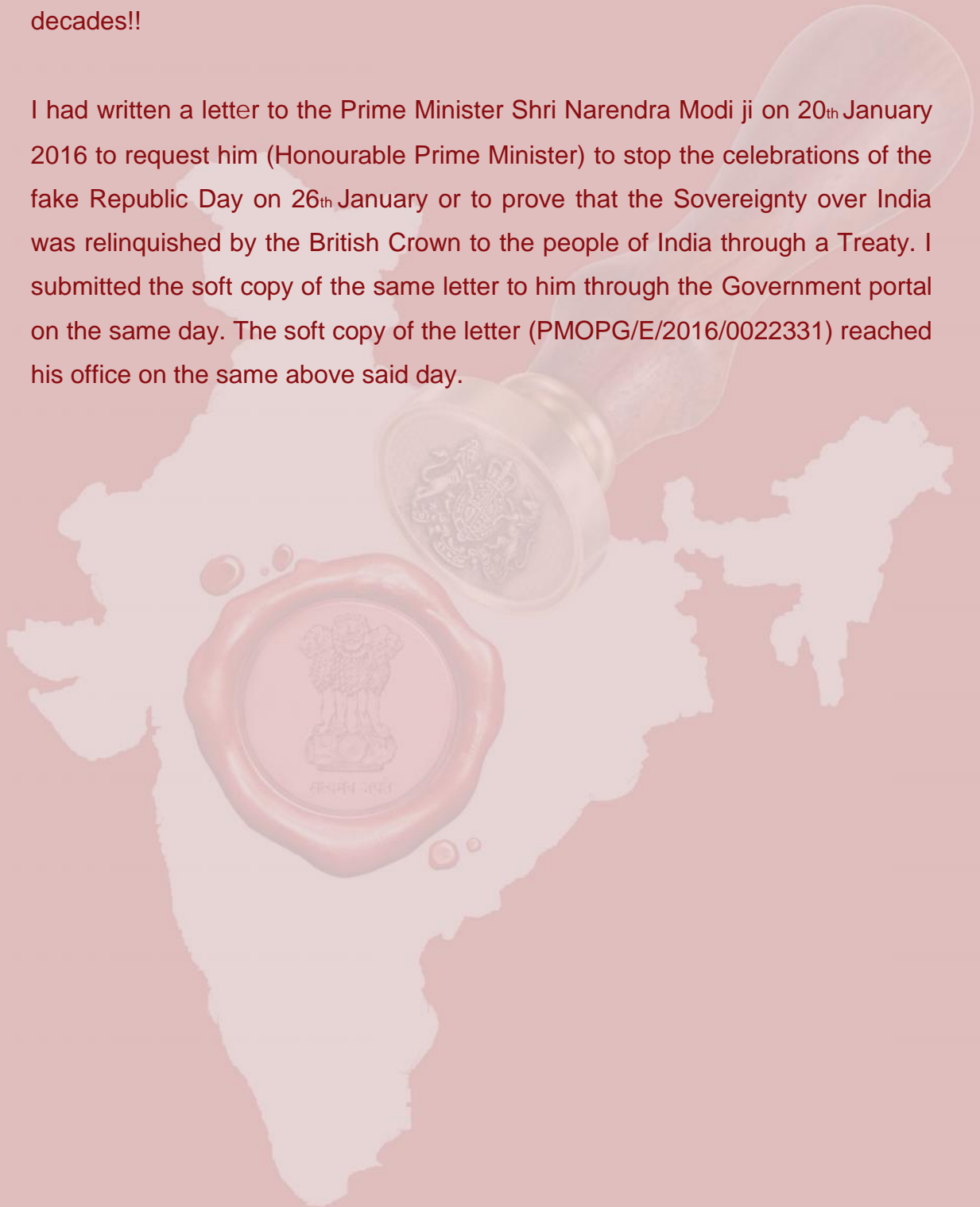
The same thing has been happening to the credulous innocent people of India since 26<sup>th</sup> January 1950. The British Crown and its henchmen of British and Indian origin had cunningly made the people of India to continue as the British Subjects under the British Laws openly and under the Indian Laws in a concealed manner and made them believe that they had become the Sovereigns of India and that India had become a Republic through the unauthorised impotent Proclamation.

They had done this cunning act with much ease as the Sovereignty is invisible. And the credulous innocent people of India believing their so called “National Leaders” words did not verify whether the British Crown had really relinquished the Sovereignty over India to them (the people of India) through any Treaty on 26<sup>th</sup> January 1950 and are “celebrating” the fake Republic Day on every 26<sup>th</sup>

# INDIA IS NOT A TRUE REPUBLIC

January in the capacity of the British Subjects for more than six and half decades!!

I had written a letter to the Prime Minister Shri Narendra Modi ji on 20<sup>th</sup> January 2016 to request him (Honourable Prime Minister) to stop the celebrations of the fake Republic Day on 26<sup>th</sup> January or to prove that the Sovereignty over India was relinquished by the British Crown to the people of India through a Treaty. I submitted the soft copy of the same letter to him through the Government portal on the same day. The soft copy of the letter (PMOPG/E/2016/0022331) reached his office on the same above said day.



# INDIA IS NOT A TRUE REPUBLIC

## A Letter To The Prime Minister Of India To Make India A True Republic

Date: 20/01/2016

Hyderabad

To

**Shri Narendra Modi ji**

**Honourable Prime Minister of India**

Prime Minister's Office

South Block

New Delhi - 110011

**Subject: Request to Stop all the Republic Day Celebrations  
all over India on 26<sup>th</sup> January**

Respected Sir,

I have been doing in-depth study of the subject of the Sovereignty of India for the past three years and was shocked to know that the Sovereignty of India is still vested with the British Crown and the President of India, the Prime Minister of India and the rest of the people of India are considered as the British Subjects by the laws made by India, United Kingdom and other Commonwealth Countries and India is neither true Independent country nor a true Republic.

On 15<sup>th</sup> of August 1947 we did not get true Independence. On 15<sup>th</sup> of August 1947 the British King had established the Dominion of India through the Section 1 of the Indian Independence Act, 1947.

*Indian Independence Act, 1947 Section 1 (1): As from the fifteenth day of August, nineteen hundred and forty-seven, two independent Dominions shall be set up in India, to be known respectively as India and Pakistan.*

*(2) The said Dominions are hereafter in this Act referred to as “the new Dominions”, and the said fifteenth day of August is hereafter in this Act referred to as “the appointed day”.*

The Section 2 of the Indian Independence Act, 1947 had vested the Sovereignty of India to the British King.

*Indian Independence Act, 1947 Section 2 (1): Subject to the provisions of subsections (3) and (4) of this section, the territories of India shall be the territories under the sovereignty of His Majesty which, immediately before the appointed day, were included in British India except the territories which, under subsection (2) of this section, are to be the territories of Pakistan.*

The people of India are British Subjects under the Indian Independence Act, 1947 and The British Nationality Act 1914 – 1944. The British King had appointed Mountbatten as the Governor General of India through the Commission under the Royal Sign Manual, who in turn had appointed the British Subject Jawaharlal Nehru as Prime Minister of the Dominion of India. The Dominion Cabinet of India had acted as the executive wing of the alien Sovereign King George VI and ruled the British Subjects i.e. the people of India on behalf of the alien British King.

The Government formed on 15<sup>th</sup> August 1947 in India was of the alien British King's Government. The second paragraph of the below said objectives of the Statute of Westminster, 1931 had described that the Governments in the United Kingdom, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland were His Majesty's Governments. Hence, it is irrefutable truth that India is under the rule of the alien British King and the Government formed on 15<sup>th</sup> August 1947 was of the British Subjects, by the British Subjects, for the British Subjects under the British Crown.

Second paragraph of the objectives of the Statute of Westminster, 1931

*WHEREAS the delegates of His Majesty's Governments in the United Kingdom, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland, at Imperial Conferences holden at Westminster in the years of our Lord nineteen hundred and twenty-six and nineteen hundred and thirty did concur in making the declarations and resolutions set forth in the Reports of the said Conferences:*

I had already explained to you elaborately along with official documentary proofs that India did not gain Independence on 15<sup>th</sup> August 1947 and requested you to stop the Independence Day celebrations on 15<sup>th</sup> August through an eight page letter dated 3<sup>rd</sup> June, 2015, which had reached your office on 6<sup>th</sup> June, 2015.

I had also raised the following questions through the above said letter connected to the National interest and honour and requested you to answer to the Nation:

- 1. The British Crown had only given Dominion Status to India on 15<sup>th</sup> August, 1947 and had only changed the title of His Majesty from the Emperor to the King, but Why is the Government of India misguiding its own people by saying that India had gained Independence on 15<sup>th</sup> August, 1947 from the British?*
- 2. The Sovereignty of India is still with the British Crown and the people of this country are still called British Subjects as per the British Parliament enacted Laws. Then on what basis is the Government of India celebrating Independence Day?*
- 3. It was declared explicitly in the Section 5 (2) of The India (Provisional Constitution) Order, 1947 that: The said Dominion of India is hereafter in this Act referred to as "the Dominion" and the said fifteenth day of August is hereafter in this Act referred to as "the date of the establishment of the Dominion".*



*Then why is the Government of India celebrating Dominion Day as “Independence Day” on 15<sup>th</sup> August every year, even though it was officially declared as Dominion Day in Law?*

*4. India was under the British King’s rule, even after 15<sup>th</sup> August 1947 but the Government of India is celebrating the so called “Independence Day” on every 15<sup>th</sup> August. Why has the Government of India been fooling the people of India all these years?*

*5. Can you show any documentary proof to the Nation that India had gained Full Sovereign Independence on 15<sup>th</sup> August, 1947?*

*6. Is there any documentary proof to show to the Nation that the British Government had declared India as a Fully Independent and Sovereign State?*

*7. For what reasons the Government of India is celebrating Independence Day on 15<sup>th</sup> August every year?*

*8. Is there any documentary proof with the Government of India to say that India had gained Independence from the British Crown on par with Burma?*

I had requested you through the above said letter that, if you would not find any meaningful and justifying answers to the above questions, please kindly take steps to stop the so called “Independence Day Celebrations” all over the country on 15<sup>th</sup> August because there is no meaning in celebrating subtle slavery! No self respecting person or Nation celebrates concealed slavery which is more dangerous than open visible slavery.

I had explained in the letter that Independence of a State means having unconditional, absolute freedom along with Sovereignty and proved with official documentary proofs that on 15<sup>th</sup> August, 1947:

1. We did not gain Independence from the British Crown.
2. We did not snap connections with the British Crown.
3. We did not gain back our Sovereignty.

4. We did not make ourselves free from the British Subjectship tag.
5. We did not form a Government which is free of all British Crown's supremacy.
6. We did not make ourselves free from the British Rule.
7. We did not gain back our honour and self respect.
8. We did not make ourselves free from slavery to foreigners or unchain Bhaarath Maatha from British control.

I had asked you, when we have not done any of the above, why we should conduct the so called "Independence Day Celebrations" on the day we were made subtle slaves?

I had also informed you that our so called "National Leaders" and "Freedom Fighters" had deliberately failed to gain Independence to our country and concealing it they had projected to the people of India that they had gained independence to our country and promoted themselves as "National Heroes", "National Leaders" and "Freedom Fighters" and with their false claims and projections they had derailed the whole Freedom Struggle and helped their British Masters in subtly extending the slavery of the people of India to the British Crown for indefinite period until the people discover for themselves the unpardonable criminal conspiracy hatched against them.

Giving the above reasons along with the official documentary proofs through the above said letter dated 3<sup>rd</sup> June, 2015, I had requested you to stop the so called "Independence Day Celebrations" all over the nation on 15<sup>th</sup> August, and declare the bitter truth to the gullible people all over the country who deposed trust in you.

But ironically you have turned down my humble request to stop the celebrations of the fake Independence of India on 15<sup>th</sup> August and also deliberately failed to answer the above said eight questions to the Nation till today.

Now coming to the main purpose of writing this letter is to request you to stop all official Republic Day Celebrations all over India on 26<sup>th</sup> January.

The people of India did not become the Sovereigns of India on 26<sup>th</sup> January, 1950. As they did not become the Sovereigns, India did not become a true Republic on 26<sup>th</sup> January, 1950. The British Crown did not relinquish the Sovereignty over India to the people of India on or before 26<sup>th</sup> January, 1950 but remained concealed dormant behind the curtain of real Sovereign under the secret understanding between the British and Jawaharlal Nehru in London in October 1948.

On 28<sup>th</sup> October, 1948 the Prime Minister of the United Kingdom Attlee had revealed to his Cabinet that Jawaharlal Nehru, the Prime Minister of India had made it clear, during discussions in London, that he was anxious to keep India within the Commonwealth, if a constitutional basis could be found which would be acceptable to the Constituent Assembly.

The Cabinet was also informed the suggestions made at the meeting with Jawaharlal Nehru:

“The King’s Sovereignty in India should be regarded as dormant, but not extinguished; no United Kingdom legislation should be enacted to terminate The King’s Sovereignty over India, and this could therefore be revived by a unilateral act on the part of India at any time. .... His Majesty would not exercise any of the functions of sovereignty. ....”

Source: Top Secret United Kingdom Cabinet Paper: C.M. (48) 67<sup>th</sup> Conclusions dated 28<sup>th</sup> October, 1948

The above text reproduced from the declassified top secret cabinet papers of the Government of the United Kingdom prove that the Government of the United Kingdom had no intentions to recognise India as a Fully Independent and Sovereign State through a Treaty and pave the way for India to become a true Republic. It had

indeed suggested that the British Sovereign King of India should be Dormant Sovereign. The subsequent consequences that had taken place in India prove that Jawaharlal Nehru had agreed to the suggestion.

**26<sup>th</sup> January, 1950:**

Republic means a State where the Sovereignty of it is vested in the hands of its people.

The basic features which were derived after referring 50 Republican Constitutions of the world are as follows:

1. The First Article of the Republican Constitution declares the nature of the State saying that the State is a Republic.
2. The immediate or the subsequent Article declares that the Sovereignty of the State is vested in the hands of the People of the State.
3. The power of Governance is derived from the Sovereign people of the State.

The first two basic features were found in all the true Republican Constitutions of the world and the third was found in most of the Republican Constitutions, and it could be implied that the power of Governance is derived from the Sovereign people of the State, where it was not explicitly mentioned.

The above said two basic features are used to test whether a Constitution is a Republican Constitution or not and you won't find these two basic features in any of the Articles of the Constitution of India in letter and spirit. Hence, it is an irrefutable truth that the Constitution of India is not a Republican Constitution.

It was the Constituent Assembly of India, which was competent to declare India as the Sovereign Democratic Republic through the Articles of the Constitution of India. But it deliberately did not declare India as a Republic through any of the Articles of the Constitution of India. It did not use the word "Republic" even once in any of the Articles of the Constitution of India.

The Constituent Assembly of India did not have the real intentions to declare India as a Sovereign Democratic Republic and to vest the Sovereignty of India in the hands of the people of India through any of the Articles of the Constitution of India. Hence, it did not incorporate the basic features of a Republican Constitution. It had deliberately set aside the true democratic principles and framed with the Commonwealth Constitution features without the knowledge and consent of the innocent people of India.

If the above said Republican features were incorporated in the Constitution of India, the day the Constitution had come into force, i.e. on 26<sup>th</sup> January 1950, India could have become a Republic and there would not have arisen any need for the Government of India to give separate Proclamation to declare India as a Republic but for cheating the gullible credulous people of India.

The Constitution of India had commenced the Article 5, 6, 7, 8, 9, 60, 324, 366, 367, 379, 380, 388, 391 and 392 on 26<sup>th</sup> November, 1949 and the remaining Articles were commenced on 26<sup>th</sup> January, 1950 by the Article 393.

Two things had taken place on 26<sup>th</sup> January, 1950, (1) under the Article 393 of the Constitution of India, the rest of Articles were commenced, and (2) on the same day the Governor General of Dominion of India had read out the proclamation, which did not have any sanction from any of the Articles of the Constitution of India, at the Durbar Hall, Government House (present day Rashtrapati Bhavan).

The Government of India knowing well that the Constituent Assembly of India did not declare India as Sovereign Democratic Republic through any of the Articles of the Constitution of India and also knowing well that the Constitution of India did not authorise it through any of its Articles to issue the Proclamation that India is a Sovereign Democratic Republic had issued the Proclamation that India is Sovereign Democratic Republic on 26<sup>th</sup> January 1950 to make the people feel and take for granted that India had become a Republic and remain in concealed slavery to the British Crown forever which is the most heinous clever cunning unpardonable criminal trick played on the people of India.



## PROCLAMATION

*WHEREAS the people of India, having solemnly resolved to constitute India into a Sovereign Democratic Republic, adopted, enacted and gave to themselves on the twenty-sixth day of November, 1949, in their Constituent Assembly the Constitution of India;*

*AND WHEREAS it has been declared by the said Constitution that India, that is, Bharat, shall be a Union of States comprising within the Union the territories which were hitherto the Governors' Provinces, the Indian States and the Chief Commissioners' Provinces;*

*AND WHEREAS this, the twenty-sixth day of January, 1950 has been fixed for the commencement of the said Constitution;*

*NOW, THEREFORE, it is hereby proclaimed that on and from this, the twenty-sixth day of January, 1950, India, that is Bharat, so formed into a Union shall be a Sovereign Democratic Republic, and the Union and its component units, the States, shall exercise all powers and functions of Government and administration in accordance with the provisions of the said Constitution.*

The Proclamation did not come through any of the Articles of the Constitution of India but out of thin air and hence the Proclamation is unconstitutional and invalid.

The Governor General of the Dominion of India had described in the Proclamation about the intention of people to make India a Sovereign Democratic Republic, which has not been implemented and executed till today and nowhere did the Constitution of India declare India as the Sovereign Democratic Republic through any of its Articles. The Proclamation refers nearly to the Article 1, about the commencement date and proclaims India as a Sovereign Democratic Republic and immediately adds that the Union and its component units, the States, shall exercise all powers and functions of Government and administration in accordance with the provisions of the said Constitution which had the Commonwealth Constitution features but not Republican Constitution features.

## London Declaration, 1949:

on 27<sup>th</sup> April, 1949, Jawaharlal Nehru, the Prime Minister of the British Dominion of India had signed the London Declaration, 1949 in London declaring and affirming to continue to be the full Commonwealth member and had accepted the King as the symbol of the Commonwealth countries and as the Head of the Commonwealth.

## Second Paragraph of the London Declaration, 1949:

*"The Government of India have informed the other Governments of the Commonwealth of the intention of the Indian people that under the new constitution which is about to be adopted India shall become a sovereign independent Republic. The Government of India have however declared and affirmed India's desire to continue her full membership of the Commonwealth of Nations and her acceptance of the King as the symbol of the free association of its independent member nations and as such as the Head of the Commonwealth."*

The above paragraph says that the Government of India had informed the other Governments of the Commonwealth of the intention of the Indian people that under the new constitution, which was about to be adopted India shall become a Sovereign Independent Republic.

In the next sentence the word "however" was used. In legal terms "however" means "in contrast" (to the above). If the word "however" was replaced by the words "in contrast to the above" in the above said 2<sup>nd</sup> paragraph, it would be:

The Government of India (have) **"in contrast" (to the above)** declared and affirmed India's desire to continue her full membership of the Commonwealth of Nations and her acceptance of the King as the symbol of the free association of its independent member nations and as such as the Head of the Commonwealth.

The Cabinet Mission Plan, 1946 had given the options, either to be part of the British Commonwealth of Nations or Completely Independent Sovereign State. India cannot choose both the options because the people of India and the British King cannot at the same time hold the Sovereignty of India. It can either be in the hands of the people of India or in the hands of the British King. India must either require the British King to relinquish his Sovereignty over India to the people of India to become the Sovereign Independent Republic or it must declare to continue to remain in the British Commonwealth of Nations and allow the British King to continue to be the Sovereign of India.

India declaring and affirming to continue to be the full member of the Commonwealth of Nations and accepting the King as the symbol of all the Commonwealth of Nations and Head of Commonwealth (of Nations) is nothing but owing allegiance to the British King. The British Crown is the perpetual Institution and the person who was crowned becomes King/Queen and acts to exercise the Sovereign functions as the embodiment of the Crown. The London Declaration had declared the King as the common symbol because all the Commonwealth of Nations were under his Sovereignty, all the legislative, executive and judicial powers were derived from the same King and all the Governments were his executive wings and all the peoples in the British Commonwealth of Nations were his Subjects.

It means that the Government of India had set aside the aspirations of the people of India to make India a Sovereign Independent Republic and declared and affirmed to continue her full membership of the Commonwealth of Nations and accepted the King as the symbol of the free association of all Commonwealth Nations and as the Head of the Commonwealth.

The word “continue” means “keep or maintain in unaltered condition or previous position”. What was declared and affirmed to continue by the Government of India? The unaltered condition or previous position of India as it was in the Commonwealth earlier.

What was the condition or position of India prior to the signing of the London Declaration, 1949 by the Government of India? India was a British Dominion under the Sovereignty of the British King and the people of India were British Subjects and the Government was his executive wing.

By signing the London declaration, the Government of India had declared and affirmed to continue the earlier position, i.e. the position that was given by the British Crown on 15<sup>th</sup> August, 1947 and also declared and affirmed the King as the symbol of the Commonwealth countries. It means that the Government of India had declared and affirmed that the King is the source of all powers and impliedly acknowledged that the Sovereignty over India would continue to be vested with the King and the people of India would continue to be his subjects and hence, the King did not relinquish the Sovereignty over India to the people of India.

The Constituent Assembly of India, dominated by the absolute majority of the Congress members, too did not opt to make India an Independent Sovereign Republic and ironically ratified the London Declaration, 1949 on 17<sup>th</sup> May, 1949 to continue to be part of the British Commonwealth of Nations disregarding its own Objectives Resolution made on 22<sup>nd</sup> January, 1946 to make India a true Independent Sovereign Republic.

## **Commonwealth Constitution features:**

The Constituent Assembly of India had set aside the above said Objectives Resolution and framed the Constitution of India with the Commonwealth Constitution features. Hence, we do not find any Republican Constitution features in it.

Republic means a State where the Sovereignty is vested in its people and the power of governance is derived from the Sovereign People.

We do not find the word 'Republic' even once in any of the Articles of the Constitution of India. No where through the Articles of the Constitution of India, (1) it was declared that India is a Republic, (2) that the Sovereignty of India is vested with the people of India and (3) that the power of governance is derived from the people of India. The



above three were the basic features of any Republican Constitution and those very basic features were deliberately avoided and not included in the Constitution of India.

We find the Commonwealth Constitution features in the Articles 9, 102, 372, 367 and other Articles of the Constitution of India.

It is the status of the people, which would decide whether the State is a Monarchial State or Republican State or otherwise. If the Sovereignty of the country is vested with the King, the people of that country would be obviously considered as the Subjects of the King and the country would be called a Monarchial State. If the Sovereignty of a country is vested with the people of the country, that country would be called as a Republic State.

The Sovereignty of India is not relinquished by the British Crown through a Treaty till today. Hence, the people of India have been continuing as the British Subjects till today and will continue to be as the British Subjects as long as the British Crown did not relinquish the Sovereignty of India to the people of India through a Treaty.

The London Declaration, 1949, the Constitution (Declaration as to Foreign States) Order, 1950 and the British Nationality and Status of Aliens Act, 1914 to 1943 too directly or indirectly declared the people of India as the British Subjects.

The people of India were British Subjects under the London Declaration, 1949 as the Constituent Assembly had ratified to continue the position of India as the full Commonwealth member, the position which was given by the British Crown on 15<sup>th</sup> August, 1947. The British Crown was vested the Sovereignty of India and the people remained as the British Subjects on and after 15<sup>th</sup> August, 1947. The ratification of the London Declaration 1949 to continue as the full Commonwealth Member country had endorsed the British Crown's Sovereignty over India and also endorsed the status of the people of India as the British Subjects. This above said London Declaration, 1949 is still in force.

The Constitution (Declaration as to Foreign States) Order, 1950 issued on 23<sup>rd</sup> January 1950 had declared the Commonwealth countries as not Foreign States as all the



countries under the Sovereignty of British Crown do not consider each other as Foreign States. This is a concealed declaration that the Sovereignty of India is vested with the British Crown and the people of India are British Subjects. This above said Order is still in force.

The people of India were British Subjects under the British Nationality and Status of Aliens Act, 1914 to 1943 also.

The Article 372 (1) of the Constitution of India had declared that all the laws that were in force before the commencement of the Constitution of India would continue to be in force until altered or repealed or amended by a competent legislature or other authority.

The British Nationality and Status of Aliens Act, 1914 to 1943 was not an obsolete Act as the British Crown did not relinquish the Sovereignty over India to the people of India through a Treaty and its application was not repugnant to the “Commonwealth” Constitution of India. It was in force under the Article 372 (1) of the Constitution of India without any changes until it was repealed by the Citizenship Act, 1955.

The people of India were Natural-Born British Subjects under The British Nationality and Status of Aliens Act 1914 – 1943

*Section 1 (1) The following persons shall be deemed to be natural-born British subjects, namely:-*

*(a) Any person born within His Majesty's dominions and allegiance; and*

*(b) Any person born out of His Majesty's dominions whose father was, at the time of that person's birth, a British subject, and who fulfils any of the following conditions, that is to say, if either-*

*(i) his father was born within His Majesty's allegiance; or*

*(ii) his father was a person to whom a certificate of naturalization had been granted; or*

*(iii) his father had become a British subject by reason of any annexation of territory; or*

*(iv) his father was at the time of that person's birth in the service of the Crown; or*

*(v) his birth was registered at a British consulate within one year or in special circumstances, with the consent of the Secretary of State, two years after its occurrence, or, in the case of a person born on or after the first day of January, nineteen hundred and fifteen, who would have been a British Subject if born before that date, within twelve months after the first day of August, nineteen hundred and twenty-two; and*

*(c) .....*

The Citizenship Act, 1955 had repealed the above said British Nationality and Status of Aliens Act, 1914 to 1943 by Section 19 but had provided the Commonwealth Citizen status and reciprocal rights through Section 11 and 12 to all the peoples of the Commonwealth countries as all were under the Sovereignty of the same British Crown.

*Section 19 (1) The British Nationality and Status of Aliens Acts, 1914 to 1943, are hereby repealed in their application in India.*

The Citizenship Act, 1955 did not specifically declare the people of India as the British Subjects to conceal the fact that the Sovereignty of India is continued to be with the British Crown but through Section 11 had declared the peoples of the Commonwealth countries as the Commonwealth citizens [alternative term for the “British Subjects” and both have the same meaning under the British Nationality Act, 1948] and provided provisions for Citizenship by registration under the Section 5 and reciprocal rights under Section 12 for them in the said Act taking into consideration the principle that each Commonwealth country shall recognise as British Subjects all persons who are British Subjects under the law of any other Commonwealth country and provide reciprocal rights through an enactment as they were under the same British Crown's Sovereignty. All the other Commonwealth countries have been recognising the peoples of India and other Commonwealth countries as the British Subjects through their Constitutions or Nationality Acts. Certain provisions in the said Citizenship Act, 1955

were amended in the subsequent years but they do not change the status of the people of India as the British Subjects as long as the British Crown did not relinquish the Sovereignty over India to the people of India and this did not happen till today. The London Declaration, 1949, the Constitution (Declaration as to Foreign States) Order, 1950 are in force and declarations and affirmations made through them impliedly say that the people of India owe allegiance to the British Crown and that the people of India are British Subjects.

Hence, the Governments that were formed on and after 26<sup>th</sup> January 1950 were of the British Subjects, for the British Subjects, by the British Subjects under the British King/Queen.

## **The Constitution (Declaration as to Foreign States) Order, 1950:**

Just two days before reading out the Proclamation that India is a Sovereign Democratic Republic, on 23<sup>rd</sup> of January, 1950 the Government of India had issued the Constitution (Declaration as to Foreign States) Order, 1950 under Articles 367(3) and 392 saying that, subject to the provisions of any law made by Parliament, every country within the Commonwealth is hereby declared not to be a foreign State for the purposes of the Constitution.

The Clause 2 of the Constitution (Declaration as to Foreign States) Order, 1950

*2. Subject to the provisions of any law made by Parliament, every country within the Commonwealth is hereby declared not to be a Foreign State for the purposes of the Constitution.*

Through the above said Constitutional Order, the Government of India had declared the other Commonwealth countries as non-foreign countries and this is still in force!!

If India had become a true Republic on 26<sup>th</sup> January, 1950 then India should regard the other Commonwealth countries as the Foreign States along with any other country in the world. As the Sovereignty of India along with the other Commonwealth countries was vested with the same British King, India under the implied obligations of the

London Declaration, 1949 had declared that the Commonwealth countries were regarded not to be the Foreign States.

The United Kingdom does not consider other Commonwealth countries India, Australia, Canada, etc., as the Foreign States because the Sovereignty of India, Australia, Canada and other Commonwealth countries was vested in the same British King and India too does not consider the other Commonwealth countries as the Foreign States for the same above reason.

This Constitutional Order given under the Article 367 (3) of the Constitution of India was an implied constitutional declaration of the Government of India that India had owed allegiance to the British King and that the Sovereignty of India was vested with the British King and that the people of India were British Subjects. Hence, it had issued the Constitutional Order to declare that the Commonwealth countries were not Foreign States.

## **Dual Citizenship:**

Under Article 9, if a citizen of India had voluntarily acquired a citizenship of any “Foreign State”, he would cease to be a citizen of India, but he would not cease to be a citizen of India if he voluntarily acquired the citizenship of any of the Commonwealth Countries because they were not considered as the “Foreign States” by India under the Constitution (Declaration as to Foreign States) Order, 1950 (C.O.2) issued on 23<sup>rd</sup> January 1950. This position had prevailed till the commencement of the Citizenship Act, 1955.

*1. Article 9 of the Constitution of India says that: Persons voluntarily acquiring citizenship of a foreign state not to be citizens. - “No person shall be a citizen of India by virtue of article 5, or deemed to be a citizen of India by virtue of article 6 or article 8, if he has voluntarily acquired a citizenship of any foreign state.”*

The Parliament of India having all powers with respect to the acquisition and termination of citizenship and all other matters relating to the citizenship under the



Article 11 notwithstanding anything mentioned in the Articles 5 to 10 had for the time being not enacted the Citizenship Act, 1955 to allow the people of India to have dual citizenship in India and any other Commonwealth Country of their choice.

The Section 9 of the Citizenship Act 1955 says that, any citizen of India who by naturalisation, registration, otherwise voluntarily acquires the citizenship of “another country” shall cease to be a citizen of India.

In the above said section the words “another country” was used, which includes the Commonwealth Countries also and if any Indian Citizen acquired the citizenship of any country including the Commonwealth Countries he will cease to be a citizen of India under the present form of the Citizenship Act, 1955.

If the words “Foreign State” were substituted in the place of the words “another country” in the Section 9 of the Citizenship Act, 1955 through the simple amendment by the Indian Parliament, it would not be unconstitutional as the Article 9 had provided for Dual Citizenship for Indians and the people of India being the Commonwealth Citizens ( Commonwealth citizen was the alternative word for the term British Subjects and both have the same meaning under the British Nationality Act, 1948) can become the citizens of any other Commonwealth Country of their choice without ceasing to be the citizen of India.

## **Dual Citizenship holders are eligible to get elected:**

If dual citizenship was allowed as said above, the citizens of India having the dual citizenship in India and any other Commonwealth country can under such amended Act contest in elections for either of Houses of the Indian Parliament and would be protected from disqualification by the Article 102(1) (d), because acquisition of the citizenship under such amended Act is of non-foreign Commonwealth country and not of the Foreign State. The Article 102 (1) (d) had explicitly declared that if any one



voluntarily acquired the citizenship of a Foreign State, he is not eligible to contest for election or become a member of the Parliament. As the Constitution (Declaration as to Foreign States) Order, 1950 had explicitly declared the Commonwealth countries as not Foreign States, they would get “Commonwealth” Constitution of India protection from being disqualified to contest or getting elected to either of the Houses of the Indian Parliament.

***Allegiance to “Her Majesty” British Queen Elizabeth II by members of the Indian Parliament:***

The Constituent Assembly of India had provided Commonwealth Constitution feature in the Article 102 of the Constitution of India in connection with the disqualification for membership of Lokasabha and Rajyasabha.

*Article 102: Disqualification for membership (1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament-  
(d) if he not a citizen of India, or has voluntarily acquired the citizenship of a foreign state, or is under any acknowledgement of allegiance or adherence to a foreign State;*

A contestant or elected member of the Indian Parliament attracts disqualification if he declares allegiance to a Foreign State under the above said Article 102 (1) (d). But under the same Article 102 (1) (d) and the Constitution (Declaration as to Foreign States) Order, 1950 the contestants and elected members of the Indian Parliament derive the “Commonwealth Constitutional Privilege” to declare allegiance to “Her Majesty” Queen Elizabeth II by taking the simple oath as follows without ever attracting any disqualification and punishment for indulging in such treacherous criminal act.

*“I, [name], do swear, that I will be faithful and bear true allegiance to “Her Majesty” Queen Elizabeth II, Her heirs and Successors according to Law and protect Her Sovereignty over India. So Help Me God.” (illustrative oath)*

They can contest elections to any House of the Parliament and get elected and their act of declaring allegiance to “Her Majesty” British Queen Elizabeth II would not disqualify them from contesting in the elections or getting elected, as declaring allegiance to “Her Majesty” British Queen Elizabeth II is not declaring allegiance to a foreign State. Because the above said Constitution (Declaration as to Foreign States) Order, 1950 does not consider the other Commonwealth countries as the Foreign States. Hence, declaring allegiance to “Her Majesty” British Queen Elizabeth II, who is the common Sovereign symbol of the embodiment of the British Crown for all the Commonwealth countries, will not disqualify Indian citizens to contest in elections or enter as the members of either of the Houses of the Indian Parliament to “make” laws for Original Sovereigns of India subjugated to continue to be the British Subjects on and after 26<sup>th</sup> January 1950.

There is hardly any necessity to say that they are also eligible to be the Prime Minister of India or part of his Council of Ministers to run “Her Majesty” British Queen Elizabeth II Government in India.

## **“Special Authority” to the British King/Queen:**

The Constituent Assembly of India had provided “Special Authority” to the British Crown under Article 18 in the Constitution of India. No citizen of India is allowed to accept to receive any title from the Foreign State and a person who is “not a citizen” of India, holding any office of the State cannot accept any title from any Foreign State without the consent of the President of India and also a person holding any office of the State cannot accept any present, emolument, or office of any kind from or under any foreign State without the consent of the President of India.

As said above, the Constitution (Declaration as to Foreign States) Order, 1950 does not consider the other Commonwealth countries as the Foreign States. Hence, under Article 18 any Indian citizen can accept and receive any title from “Her Majesty” British Queen Elizabeth II, who is the common Sovereign symbol of the embodiment of the British Crown for all the Commonwealth countries. The person who is holding any office of the State can accept any title from “Her Majesty” British Queen Elizabeth II without any consent from the President of India and any person who is holding any office of the State can accept any present, emolument, or office of any kind from or under “Her Majesty” British Queen Elizabeth II without any consent from the President of India.

## **Reciprocity Act, 1943:**

The President of India had issued the Adaptation of Laws Order, 1950 under Article 372 (2) after modifying the Reciprocity Act, 1943 and other Acts on 26<sup>th</sup> January 1950. The Government of India had provided rights to all the other British Subjects of the Commonwealth countries on and after 26<sup>th</sup> January, 1950 on a basis of reciprocity in regard to entry into, travel, residence, the acquisition, holding or disposal of property, the enjoyment of educational facilities, the holding of public office, or the carrying on of any occupation, trade, business or profession in India by, and the franchise under the said Reciprocity Act, 1943.

It was the tradition of the British Commonwealth Nations to provide the rights to all the British Subjects on the basis of reciprocity as British King/Queen happens to be the Sovereign for all of them and the Government of India had provided these rights because Sovereignty over India was with same British Crown on and after 26<sup>th</sup> January 1950.

## The Preamble of the Constitution of India:

The Preamble of the Constitution of India: *We, The people of India, having solemnly resolved to constitute India into a Sovereign Democratic Republic and to secure to all its citizens:*

Mere resolution to constitute India into a Sovereign Democratic Republic would not be enough to make India a true Sovereign Democratic Republic.

*Winston Churchill: The Preamble is nothing. It has no legal force. Judges, I am told, do not read the Preamble. They look at the Clauses. There is no meaning attaching to it at all. .... It will at any rate show that there is no legal force in the Preamble.*

*HC Deb 20 November 1931 vol 259 cc1173224 [British Parliament Debates]*

To meet the objectives of the Preamble, the Constituent Assembly of India should declare through the Articles of the Constitution of India, that the nature of India is Sovereign Democratic Republic and that the Sovereignty of India is vested in the hands of the people of India and that the power of Governance is derived from the Sovereign people of India and to give life force to those Articles in order to make India a true Sovereign Democratic Republic, it should require the Government of India to enter into a Treaty with the Government of the United Kingdom to get India recognised as the fully Independent and Sovereign State but ironically the Constituent Assembly of India deliberately did not incorporate the basic features of a Republican Constitution as it had ratified the London Declaration, 1949 to endorse the alien British King's Sovereignty over India and to continue the people of India as the British Subjects and did not require the Government of India to enter into the above said Treaty.

The resolution intended in the Preamble of the Constitution of India was deliberately defeated by the Constituent Assembly of India by not incorporating the Republican Constitution features in the Constitution of India and the Preamble was absolutely unfit to be used as an interpretation clause because the words "Sovereign Democratic

Republic” in the Preamble had no force and were mere empty words without any life, because none had considered to take any action to give life to them. To give true life to the Preamble, the British Crown first should declare complete independence to India and relinquish the Sovereignty over India to the people of India through a Treaty and this did not happen till today.

Even if any venture to use it as an interpretation clause they cannot succeed to conclude that India had become a true Republic on 26<sup>th</sup> January, 1950 because:

1. The Constituent Assembly of India had ratified the London Declaration, 1949 on 17<sup>th</sup> May, 1949 declaring and affirming to continue India’s position as the full member of the British Commonwealth of Nations, the position which was given by the British Crown on 15<sup>th</sup> August, 1947 by vesting with itself the Sovereignty of India. As the Sovereignty of India was vested with the British Crown, the people of India have been continuing to be the British Subjects. The people of India being the British Subjects cannot become the Sovereigns and as they cannot become the true Sovereigns of their own motherland and they are not legally fit to declare their country as a true Republic.
2. The people of India have been the British Subjects under the London Declaration, 1949, The British Nationality and Status of Aliens Act, 1914 to 1943 on and after 26<sup>th</sup> January, 1950.
3. The Constitution of India did not have any Republican Constitution features in any of its Articles and not even once the word “Republic” was used in any one of its Articles.
4. The Proclamation read out by the Government of India was unconstitutional and invalid as the Constitution of India did not authorise the Government of India through any of its Articles to Proclaim India as the Sovereign Democratic Republic.
5. The British Crown did not enter into any treaty with the Government of India to recognise India as the fully Independent Sovereign State.
6. The Sovereignty of India is still vested with the British Crown.



7. The Constitution of India had provided the protection from being disqualified as members of the Indian Parliament for declaring allegiance to the British King/Queen and forming “His/Her Majesty” Government in India under Article 102 (1) (d) read with the Constitution (Declaration as Foreign States) Order, 1950 issued under Article 367.

8. The Constitution of India had provided provisions for Dual Citizenship through Article 9 keeping in mind the Commonwealth countries.

9. The Constitution of India had provided the provision for the President to issue the Constitutional Order to declare certain countries as not to be the Foreign States.

10. The Government of India had issued the Constitution (Declaration as to Foreign States) Order, 1950 (C.O.2) on 23<sup>rd</sup> January, 1950 to declare the Commonwealth countries as not to be the Foreign States. This Constitutional Order was an implied declaration that the Sovereignty of India was vested with the British King and that the people of India were His Subjects.

11. Until and unless India becomes absolutely free from the British Commonwealth of Nations and enters into a Treaty with the British Crown to get recognised as a fully Independent Sovereign State, India cannot claim to be really independent to give a valid declaration through the Articles of the Constitution of India that its nature of State is Republic.

12. In the absence of specific Republican Constitution features and in the presence of clear Commonwealth Constitution features, the mere intention in the Preamble with lifeless words cannot prevail over the Constitution of India which was having Commonwealth Constitution features.

Burma was a British Colony like India. In the year 1947 i.e. in the same year in which India was given Dominion Status, the British Crown had declared that it would give independence to Burma and the British Parliament had enacted the Burma Independence Act, 1947 and it got the Royal Assent on 10<sup>th</sup> of December 1947 and the same was notified in the London Gazette in page number 5871 on 12<sup>th</sup> of December 1947.

The British Crown had declared full independence to Burma and the people of Burma ceased to be the British Subjects in the year 1947 through the Section 1 and 2 of the Burma Independence Act, 1947 and prior to that, the British Crown had also entered into a Treaty with its Provisional Government on 17<sup>th</sup> of October 1947 to recognise Burma as Burma as a Fully Independent and Sovereign State.

*The Preamble of the Constitution of Union of Burma, 1948: “WE, THE PEOPLE OF BURMA including the Frontier Areas and the Karenni States, Determined to establish in strength and united a SOVEREIGN INDEPENDENT STATE, .....”*

The Constituent Assembly of Burma had determined to establish a Sovereign Independent Burma and had declared the nature of Burma as a Sovereign Independent Republic through the first Article of the Constitution of Burma, 1948.

*Article 1 of the Constitution of Burma, 1948: “Burma is a Sovereign Independent Republic to be known as “the Union of Burma”.*

It had also declared through the Article 3 that the Sovereignty of Burma resides in the people.

*Article 3 of the Constitution of Burma, 1948: “The Sovereignty of the Union resides in the people.*

It had also declared through the Article 4 that all the powers, legislative, executive and judicial, are derived from the Sovereign people of Burma.

*Article 4 of the Constitution of Burma, 1948: All powers, legislative, executive and judicial, are derived from the people and are exercisable on their behalf by,*

*or on authority of, the organs of the Union or of its constituent units established by this Constitution.*

The Constituent Assembly of Burma to manifest their determination into reality as declared in the Preamble incorporated the Republican Constitution features in the Constitution of Burma and had caused its Provisional Government to enter into a Treaty with the United Kingdom to get Burma recognised as a fully Independent and Sovereign State to give life to the words of the Articles 1, 3 and 4 of the Constitution of Burma and Burma had become a true Republic.

## *TREATY BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM AND THE PROVISIONAL GOVERNMENT OF BURMA*

*London, 17th October, 1947*

*The Government of the United Kingdom of Great Britain and Northern Ireland and the Provisional Government of Burma; Considering that it is the intention of the Government of the United Kingdom of Great Britain and Northern Ireland to invite Parliament to pass legislation at an early date providing that Burma shall become an independent State; Desiring to define their future relations as the Governments of independent States on the terms of complete freedom, equality and independence and to consolidate and perpetuate the cordial friendship and good understanding which subsist between them; and Desiring also to provide for certain matters arising from the forthcoming change in the relations between them, Have decided to conclude a treaty for this purpose and have appointed as their plenipotentiaries:*

*The Government of the United Kingdom of Great Britain and Northern Ireland:  
The Right Hon. Clement Richard Attlee, C.H., M.P., Prime Minister and First Lord  
of the Treasury.*

*The Provisional Government of Burma: The Hon'ble Thakin Nu, Prime Minister*

*Who have agreed as follows:*

*Article 1: The Government of the United Kingdom recognize the Republic of the  
Union of Burma as a fully Independent Sovereign State.*

*The contracting Governments agree to the exchange of diplomatic  
representatives duly accredited.*

*Article 2: .....*

This above said Treaty was ratified by both the Parliament of the United Kingdom and the Constituent Assembly of Burma. On behalf of the Government of the United Kingdom, the then Secretary of State of Burma had handed over the ratified Treaty to the Government of Burma on 4<sup>th</sup> January 1948 and on the same day Burma became perpetually free from the British King and a true fully Independent and Sovereign Republic State.

The Course of action that the Constituent Assembly of Burma and the Provisional Government of Burma had taken to establish Union of Burma into a true Republic was not intended or adopted by the Constituent Assembly of India and the Dominion Government of India headed by Jawaharlal Nehru and deliberately failed to fulfil the aspirations of the people of India to make India a true Republic as the Burma had done.

The Government of Burma did not give any Proclamation to declare Burma as the Sovereign Independent Republic, because the Articles of the Constitution of Burma had declared Burma as the Sovereign Independent Republic and with commencement of the Constitution of Burma on 4<sup>th</sup> January, 1948, Burma had become true Republic.

Without taking any action as per the established international norms to establish a true Sovereign Republic, the Government of India had merely issued an invalid Proclamation on 26<sup>th</sup> January 1950 without any authority from any of the Articles of the Constitution of India to deliberately fool the innocent people of India and to backstab the true democratic principles rallying with their British Masters.

It was the British Crown's age old tradition to recognise its former colonies as the Fully Independent and Sovereign States through a Treaty after declaring independence to them.

On 3<sup>rd</sup> September, 1783 - The British had recognised, United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia as Free Sovereign and Independent States through the Treaty of Paris. These colonies had later formed as the United States of America.

On 28<sup>th</sup> February, 1922 – The Government of the United Kingdom had declared through a Treaty that Egypt is an Independent Sovereign State.

On 22nd March, 1946 – The Government of the United Kingdom had recognised through a Treaty that Trans-Jordan is a Fully Independent State and His Highness The Amir as the Sovereign thereof.

On 17<sup>th</sup> October, 1947 – The Government of United Kingdom had entered into a Treaty with the Provisional Government of Burma to recognise the Republic of Burma as a Fully Independent and Sovereign State.



On 15th November, 1967 – The Government of the United Kingdom had ceded the *Sovereignty of Her Britannic Majesty over the Kuria Muria Islands to the Sultan of Muscat and Oman through a Treaty of Cession.*

On 15<sup>th</sup> August, 1971: The Government of United Kingdom had recognised the State of Bahrain and its dependencies as a sovereign and Independent State through a Treaty.

On 3rd September, 1971 - The United Kingdom of Great Britain and Northern Ireland had recognised the State of Qatar a Sovereign Independent State through a Treaty.

On 2<sup>nd</sup> December 1971 - The United Kingdom of Great Britain and Northern Ireland had recognised the United Arab Emirates a Sovereign and Independent State.

The Countries which were recognised as the Sovereign States by the British Crown were not in the Commonwealth and they were regarded as the Foreign States and their peoples as the foreigners.

The British Nationality Act, 1948 had declared the people of India as the British Subjects under Section 1 and had declared India not as a foreign country as the Sovereignty of India was vested with the British King and when the Government of India had given an invalid Proclamation that India is a Sovereign Democratic Republic, the British Crown did not consider the people of India ceased to be British Subjects. Hence, the British Parliament did not amend the said British Nationality Act, 1948 to regard the people of India as the foreigners or India as a Foreign State.

Just few weeks before the Government of India was to proclaim India as the Republic, the British King had given his Royal Assent to the British Parliament enacted India (Consequential Provisions) Act, 1949 on 16<sup>th</sup> December 1949 which had declared that the laws which were applicable to India and Indians would be applicable even after 26<sup>th</sup> January, 1950 as if India had not become a Republic.

This above said Act proves that the British King did not recognise India as the Sovereign State as he had done in case of Burma and it also proves that he did not relinquish the Sovereignty over India to the people of India and he regards the people of India as His Subjects even after 26<sup>th</sup> January, 1950.

## **RTI:**

I had submitted an application bearing no. PMOIN/R/2013/60250 under the Right to Information Act, 2005 on 24/09/2013 to the Prime Minister's Office to request the information for the below questions and other information through the and it had transferred the RTI application to the Ministry of External Affairs and there, no Central Public Information Officer (CPIO) had taken responsibility to provide the required information for the first two questions even after first appeal.

The above referred questions are as follows:

1. Is there any agreement or bilateral treaty between India and the United Kingdom by which the United Kingdom declares or recognises Republic of India as a Sovereign State? If so, provide a copy of the agreement or bilateral treaty.
2. Why Sovereign Republic of India appoints High Commissioners instead of Ambassadors to the United Kingdom and all other Commonwealth member countries.

The Second Appeal [CIC/VS/A/2014/000698/KY] was filed on 31/01/2014 with the Central Information Commission (CIC) and the matter came for hearing before the learned Information Commissioner Shri M.A. Khan Yusufi on 23/09/2015. He had ordered the Respondent, Central Public Information Officer of the Ministry of External Affairs to provide the complete and categorical information against the issues no. 1 and 2.

Paragraph 5 and 6 of the order given in the above said second appeal:

*5. The Commission is of the considered view that the appellant has been deprived by the respondents deliberately from having the benefits of the RTI Act 2005, even after lapse of more than twenty four months period. Thus, the respondents have defeated the very purpose of the RTI Act 2005 for which it was legislated by Parliament of India. As such, the Commission feels that appellant's second appeal deserves to be allowed partly i.e. against issues no 1 and 2. Therefore, it is allowed accordingly.*

*6. In view of above, the respondents are hereby directed to provide the complete and categorical information, against issues no 1 and 2, to the appellant, in accordance with the provisions of RTI Act, 2005, within 30 days from the date of receipt of this order under intimation to this Commission. If need be, Section 5(4) of the RTI Act 2005 be also invoked in the matter.*

*The Appeal is disposed of accordingly.*

*Sd/-*

*M.A. Khan Yusufi*

*Information Commissioner*

Shri M.A. Khan Yusufi, Information Commissioner of the Central Information Commission had reprimanded the Ministry of External Affairs in all possible strong words for not providing the required information and directed it to provide the information within 30 days from date of receipt of the order.

I had received the reply [WI(A)/551/01/2015] dated 21/10/2015 from C. Sushma, Under Secretary to Government of India and CPIO, Europe West Division of Ministry of

External Affairs on 05/11/2015 in response to the decision of the Central Information Commission made on 23/09/2015.

The said CPIO had informed that there was no information with respect to the Treaty through which British Crown had recognised India as a full Independent Sovereign State and had transferred the query no. 2 to another CPIO Shri Ashok Babu, US (UNP)-P, UNP Division, Room No. 1014, JNB, External Affairs Ministry, New Delhi.

The reply of CPIO C. Sushma prove that the British King did not enter into a treaty with India before or on 26<sup>th</sup> January 1950 to relinquish the Sovereignty over India to the people of India but continued to be the Sovereign of India as India had declared to accept him as the Symbol and Head of the Commonwealth and declared to continue as full Commonwealth country member through the London Declaration, 1949.

The above said CPIO Shri Ashok Babu has neither bothered to show even minimum respect to the CIC nor gave reply to the query (2) Why “Sovereign Republic” of India appoints High Commissioners instead of Ambassadors to the United Kingdom and all other Commonwealth members?

But the reason is, it was the tradition of the British King to appoint High Commissioners to represent His Government in the United Kingdom in each other British Dominion as he cannot accredit an Ambassador to himself as the Sovereignty over the United Kingdom and other British Dominions was vested in him and he did the same for His British Dominion Governments also. He had appointed the Ambassadors to the States which were recognised as Independent Sovereign States including the former British colonies which were recognised as full Independent and Sovereign States through a Treaty.

Probably the British King had permanently delegated the powers to the Governor General of India or to the President of India to act as his agent to appoint the High

Commissioners to the Commonwealth countries and Ambassadors to the Foreign States which were recognised as the Independent Sovereign States by the British Crown and India has been continuing to appoint High Commissioners to the Commonwealth countries and was appointing Ambassadors to the countries which were recognised as Independent Sovereign States by the British Crown.

## **Minicoy Island:**

India was not recognised as a Full Independent and Sovereign State by the United Kingdom through a Treaty on or before 26<sup>th</sup> January 1950 and the events that had taken place on the transfer of the Minicoy / Maliku Island, a small island presently part of the Lakshdeep Islands, also prove it. This island was under the direct administration of the Government of the United Kingdom till the year 1956. The plebiscite was conducted in the year 1956 and the people of Minicoy had preferred to join India over Pakistan. The Government of the United Kingdom had transferred the assets of the island to the Government of India through a formal agreement on 19th September, 1963 but did not cede the Sovereignty over Minicoy Island to India.

Chandernagore was under the rule of the Republic of France until 1951. On 2<sup>nd</sup> February, 1951 India and Republic of France had entered into a treaty in connection with Free Town of Chandernagore. The Article 1 of the said treaty says that France transfers to India, in full sovereignty, the territory of the Free Town of Chandernagore.

Pondicherry, Karikal, Mahe and Yanam were also under the rule of the Republic of France until 1956. On 28<sup>th</sup> May, 1956 India and Republic of France had entered into a treaty in connection Pondicherry, Karikal, Mahe and Yanam. The Article 1 of the said treaty says that France cedes to India in full sovereignty the territory of the Establishments of Pondicherry, Karikal, Mahe and Yanam.

Goa, Daman, Diu, Dadra and Nagar Haveli were under the rule of Portugal until 1961. On 31<sup>st</sup> December, 1974 India and Republic of Portugal had entered into a treaty in



connection with Goa, Daman, Diu, Dadra and Nagar Haveli. The Article 1 of the said treaty says that Portugal acknowledges that the territories of Goa, Daman, Diu, Dadra and Nagar Haveli have already become parts of India and hereby recognises the full sovereignty of India over these territories with effect from the dates when they became parts of India under the Constitution of India.

India had annexed the above said Portuguese colonies after a brief war in the year 1961 and after thirteen years Portugal had entered into a Treaty to recognise India's sovereignty over the said territories.

I had submitted an application bearing no. MOEAF/R/2014/61004 under the Right to Information Act, 2005 to the Ministry of External Affairs on 13/08/2014 asking whether there was any treaty entered between India and the United Kingdom mentioning that the Sovereignty over Minicoy/Maliku Island is ceded to India?

The Central Public Information Officer, Legal Officer of the Legal and Treaties Division of the Ministry of External Affairs had replied on 22/09/2014 that, "On perusal, we see no records/information available in this Division concerning your query".

The reply of the above said Legal Officer, Ministry of External Affairs proves that the Sovereignty over Minicoy/Maliku Island and rest of India is still vested with the alien British Crown Dormant Sovereign of India Queen Elizabeth II.

If the Government of the United Kingdom had recognised India as a Fully Independent and Sovereign State on or before 26<sup>th</sup> January 1950 through a Treaty, it would have ceded the Sovereignty over Minicoy/Maliku Island also to the Government of India through a Treaty just as the Republic of France had ceded the sovereignty over Free Town of Chandernagore, Pondicherry, Karikal, Mahe and Yanam and the Republic of Portugal had ceded the sovereignty over the territories of Goa, Daman, Diu, Dadra and Nagar Haveli to India.

We the British Subjects of India had elected the British Subjects to the Constituent Assembly of the Dominion of India (Article 106 had explicitly called the House as the “Constituent Assembly of the Dominion of India”) through indirect elections and it had resolved to constitute India into a Sovereign Democratic Republic but discarding its own resolution made in the Preamble, it had ratified the London Declaration, 1949 through which India had declared and affirmed to continue to be the British Commonwealth of Nations, the position which was given to India on 15<sup>th</sup> August, 1947 by the British Crown while keeping with itself the Sovereignty over India and made the British Subjects of India to continue as the British Subjects on and after 26<sup>th</sup> January, 1950 under the rule of the British Subjects, for the British Subjects, by the British Subjects and under the British Crown.

The above said irrefutable facts and reasons prove that the Sovereignty of India is still with British Crown and that the power of governance was derived from the British Crown to form the Governments on and after 26<sup>th</sup> January, 1950.

## **Upholding “Her Majesty” Queen Elizabeth II’s Sovereignty over India:**

Under the Schedule III of the Constitution of India the Prime Minister, the other Ministers of the Union, Members of the Parliament, Audit-General of India, Chief Ministers of the States, Ministers of the States, Members of the State Legislative Assemblies and Councils and Judges were taking oath of office saying that they will uphold the Sovereignty of India.

As the Sovereignty of India is vested with “Her Majesty” Queen Elizabeth II and not with the people of India, it would be proper for the Nation to consider that all the persons who were taking the oath under the Schedule III of the Constitution of India were upholding “Her Majesty” Queen Elizabeth II’s Sovereignty over India.

Whether the members of the Parliament declare allegiance to the British King/Queen in public or not, they take the oath under Schedule III to uphold the Sovereignty of India which was vested with “Her Majesty” Queen Elizabeth II and even if they owe allegiance to “Her Majesty” Queen Elizabeth II in public and declare that they would uphold the Sovereignty of “Her Majesty” Queen Elizabeth II over India, they get “Commonwealth” Constitutional protection under the above said Article 102 (1) (d) read with the Constitution (Declaration as to Foreign States) Order, 1950 from being disqualified.

The “Commonwealth” Constitution of India had provided two provisions for the Indian Parliamentarians, (1) to openly and directly owe allegiance to the British Crown and make oath Under Schedule III to “openly” form “His/Her Majesty’s” Government in India and to make the Laws for India or (2) only make an oath under Schedule III to form “His/Her Majesty’s” Government in India “in concealed manner” and to make the Laws for India. But the common element in both the provisions is one and the same. They uphold the Sovereignty of India which was vested in the British Crown.

You too formed the Government on 26<sup>th</sup> May 2014 and during the swearing in ceremony, you have made an oath that you would uphold the Sovereignty of India which was vested with British Crown “Her Majesty” Queen Elizabeth II. Hence it would be proper for the Nation to consider your Government as “Her Majesty’s” Government in India.

As the Sovereignty of India was vested with the British Crown, the people of India were British Subjects and not the Sovereigns of India and as the people of India were British Subjects, India did not become a true Republic on 26<sup>th</sup> January 1950. Hence there was no reason to celebrate the Republic Day on every 26<sup>th</sup> January, unless cheating credulous innocent people of this Great Nation is decided to be continued by you too whom we have thought to be a true bold patriot till now.

Sir, you are most welcome to disprove that the Sovereignty of India is not vested with “Her Majesty” Queen Elizabeth II and that your Government is not “Her Majesty’s”

Government in India **by releasing a copy of the Treaty through which the British Crown had relinquished the Sovereignty over India to the people of India.**

In my earlier letter, I requested you to answer the Nation with respect to the Sovereignty of India through the questions 2, 5, 6 and 8 but for the last six months you deliberately evaded answering to the Nation.

**Hence, if you fail to produce the above said Treaty to the Nation by 25<sup>th</sup> January, 2016:**

1. it would be deemed by the Nation that the Proclamation given on 26<sup>th</sup> January 1950 that India is Sovereign Democratic Republic is unconstitutional and invalid.
2. it would be deemed by the Nation that the British Crown did not give true Independence to India and did not recognise India a fully Independent Sovereign State.
3. it would be deemed by the Nation that the Government of India has accepted that India is not a true Republic.
4. it would be deemed by the Nation that the Government of India has accepted that the alien British Queen Elizabeth II is the Dormant Sovereign of India.
5. it would be deemed by the Nation that the Government of India has accepted that you have derived the power of Governance from the alien Dormant Sovereign of India British Queen Elizabeth II to form the Government.
6. it would be deemed by the Nation that the Government of India has accepted that the Government you have formed on 26<sup>th</sup> May 2014 is the executive wing of the alien Dormant Sovereign of India British Queen Elizabeth II, in other words "Her Majesty's" Government in India.
7. it would be deemed by the Nation that you are upholding the Sovereignty of India which was vested with the alien Dormant Sovereign of India British Queen Elizabeth II.



8. it would be deemed by the Nation that the Government of India has accepted that you and the rest of the people of India are the British Subjects of the alien Dormant Sovereign of India British Queen Elizabeth II.

9. it would be deemed by the Nation that the Government of India has accepted that the Government in India formed by you is of the British Subjects, by the British Subjects, for the British Subjects and under the alien Dormant Sovereign of India British Queen Elizabeth II.

10. The so called National Leaders and the members of the Constituent Assembly of the Dominion of India not taking the necessary course of action to require the British Crown to relinquish the Sovereignty of India to the Original Sovereigns of India i.e. the people born in India and deliberately making India to continue to be under the Sovereignty of the British Crown by disregarding and nullifying the true aspirations of the people of India and making them believe that India had become the Sovereign Democratic Republic and forming the Government of the British Subjects, for the British Subjects, by the British Subjects and under the British Crown on and after 26<sup>th</sup> January, 1950 would be regarded as the most heinous betrayal act in the recorded history of this ancient land.

The Sovereignty of India is the cost of the British Crown's Commonwealth link for the people of India and the day India terminates its Commonwealth relationship and enters into a Treaty with the United Kingdom to get India recognised as a Full Independent and Sovereign State, the British Crown ceases to consider the people of India as British Subjects and calls the people of India as the Foreigners and India as a Foreign State and on the same day the Government of India can declare India as a true Republic after including the three basic features of the Republican Constitution in the Constitution of India. Until then India is not a true Republic but continues as the British possession under the Sovereignty of the British King/Queen and the people of India would continue to be the British Subjects under the rule of "His/Her Majesty's" Government in India.



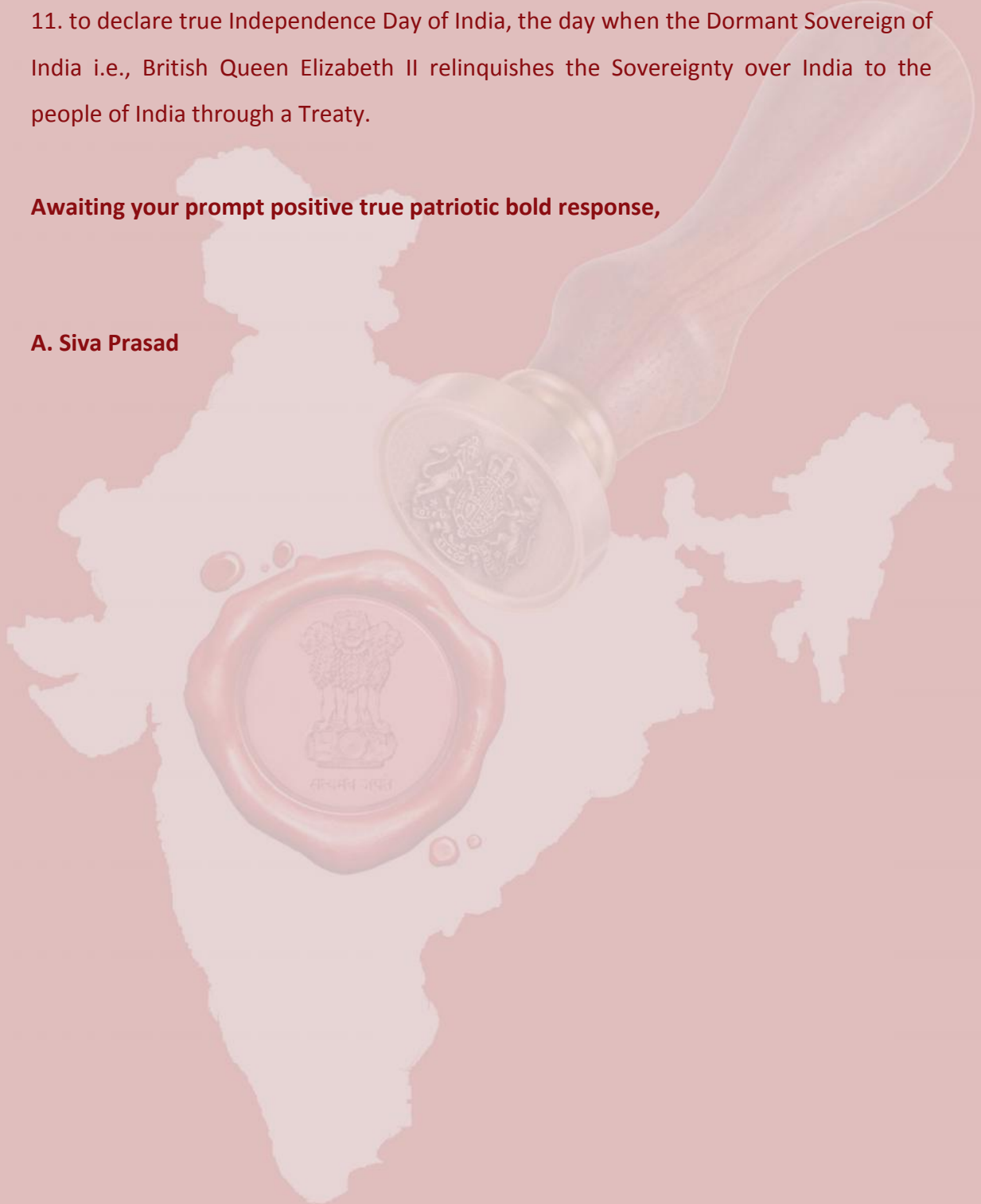
Hence, I humbly hereby request you:

1. to stop all the official Republic Day Celebrations all over India on 26<sup>th</sup> January.
2. to terminate the Commonwealth [alternative name put in use for Dominion Status] membership with the British Crown with immediate effect
3. to invalidate/renounce the London Declaration, 1949 through the Indian Parliament.
4. to enter into a Treaty with the British Crown which recognises India as the Fully Independent and Sovereign State immediately
5. to compel the British Crown to declare that India is a foreign State to it and the people of India are ceased to be the British Subjects/Commonwealth Citizens and are foreigners to it
6. to withdraw the Constitution (Declaration as to Foreign State) Order, 1950 given by the Government of India on 23rd January 1950 which had declared that the countries in Commonwealth were not Foreign States.
7. to amend the First Article of the Constitution of India and declare through it that India is Sovereign Socialist Secular Democratic Republic.
8. to add a new Article which declares that the Sovereignty of India is vested in the hands of the People of India.
9. to add a new Article which declares that the power of Governance is derived from the Sovereign People of India.
10. to repeal the Commonwealth Constitution features in the Constitution of India.

11. to declare true Independence Day of India, the day when the Dormant Sovereign of India i.e., British Queen Elizabeth II relinquishes the Sovereignty over India to the people of India through a Treaty.

**Awaiting your prompt positive true patriotic bold response,**

**A. Siva Prasad**



## Conclusion

The Prime Minister's Office had gone through the soft copy of the letter on 21<sup>st</sup> January 2016 and mentioned on the official portal that the status of the issue/request is "Closed [NO ACTION REQUIRED]".

In the last 65 years the Government of India had never revealed that the Sovereignty over India had not been relinquished by the British Crown to the people of India on 26<sup>th</sup> January 1950 through any Treaty. When The Central Public Information Officer of the Ministry of External Affairs was asked to provide a copy of the Sovereignty Treaty, if any, entered between India and the United Kingdom, the Central Public Information Officer of the Ministry of External Affairs had taken 2 years time to reply from the date of RTI application that no such information was available with them!

The present Prime Minister was requested to prove by releasing a copy of the Sovereignty Treaty through which the British Crown had relinquished the Sovereignty over India to the people of India and he was also informed that if he failed to produce any Sovereignty Treaty by 25<sup>th</sup> January 2016, it would be deemed to be an insult and biggest deceptive trick played on the very people who reposing trust in him elected him to be the Prime Minister.

But ironically the Prime Minister neither produced any Sovereignty Treaty nor stopped the Republic Day Celebrations on 26<sup>th</sup> January 2016.

Hence, it would be proper for all the patriotic citizens and citizens with self respect to consider that all the bodies established through the "Commonwealth" Constitution of India as the British Crown's Agencies as they are upholding the Sovereignty of India which is vested with the British Crown and as they are deriving the power of governance from the British Crown. The silence of the Prime Minister on this most serious issue of National Dignity and Honour also proves that these British Crown's Agencies are bound to uphold the Sovereignty

of the British Crown over India and show dutiful loyalty to the Dormant Sovereign of India “Her Majesty” Queen Elizabeth II and do not prefer to reveal the truth to the Nation.

Hence, it is the duty of every patriotic Indian to take the initiative step lawfully and peacefully under true Democratic principles to change the “Commonwealth” Constitution of India into the Constitution of Republic of India by inserting the Republican Constitution features and repealing the Commonwealth Constitution features in the present day Constitution of India and to bring back the Sovereignty of India from the British Crown and make Bhaaritha Maatha a true Saavabhouma Bhaarithi (Sovereign Bhaaritha Maatha) to add lost Dignity and Honour to our ancient land and to fulfil the true aspirations of the true Freedom Fighters who had really sacrificed their lives in the past.

It is a heart rending bitter truth that all the political parties, politicians, leaders of the so called peoples’ movements and the so called intellectuals of India have been engaged in the most unpardonable treacherous act of cheating and exploiting the people of India for their own personal vested interests hiding the truth that India had not truly become independent ever since 1947 but acting as if India has got true independence by being silent accomplices in the greatest deception in the world history.

**The British Crown’s Agencies, political parties and individuals in India who refute the fact that India did not become a true Republic on 26<sup>th</sup> January 1950 are free to prove that India had become a true Republic by releasing to the Nation a copy of any Sovereignty Treaty between the British Crown and India, through which the British Crown had relinquished the Sovereignty over India to the people of India on or before 26<sup>th</sup> January 1950.**

**The patriotic individuals who still have doubt on the fact that the British Crown did not relinquish the Sovereignty over India to the people of India**

are free to file an RTI application to CPIO of the Ministry of External Affairs, New Delhi for the below mentioned information and confirm the above said fact after receiving the reply from the concerned CPIO.

Request for the following information from CPIO of the Ministry of External Affairs, New Delhi under an RTI application:

1. Whether the British Crown had relinquished the Sovereignty over India to the people of India through any Treaty or not?
2. If yes to the above query no. 1, please provide the certified copy of the Treaty through which the British Crown had relinquished the Sovereignty over India to the people of India.

After realising the above said fact under the RTI Act, 2005, please kindly join us to make India a true Republic.



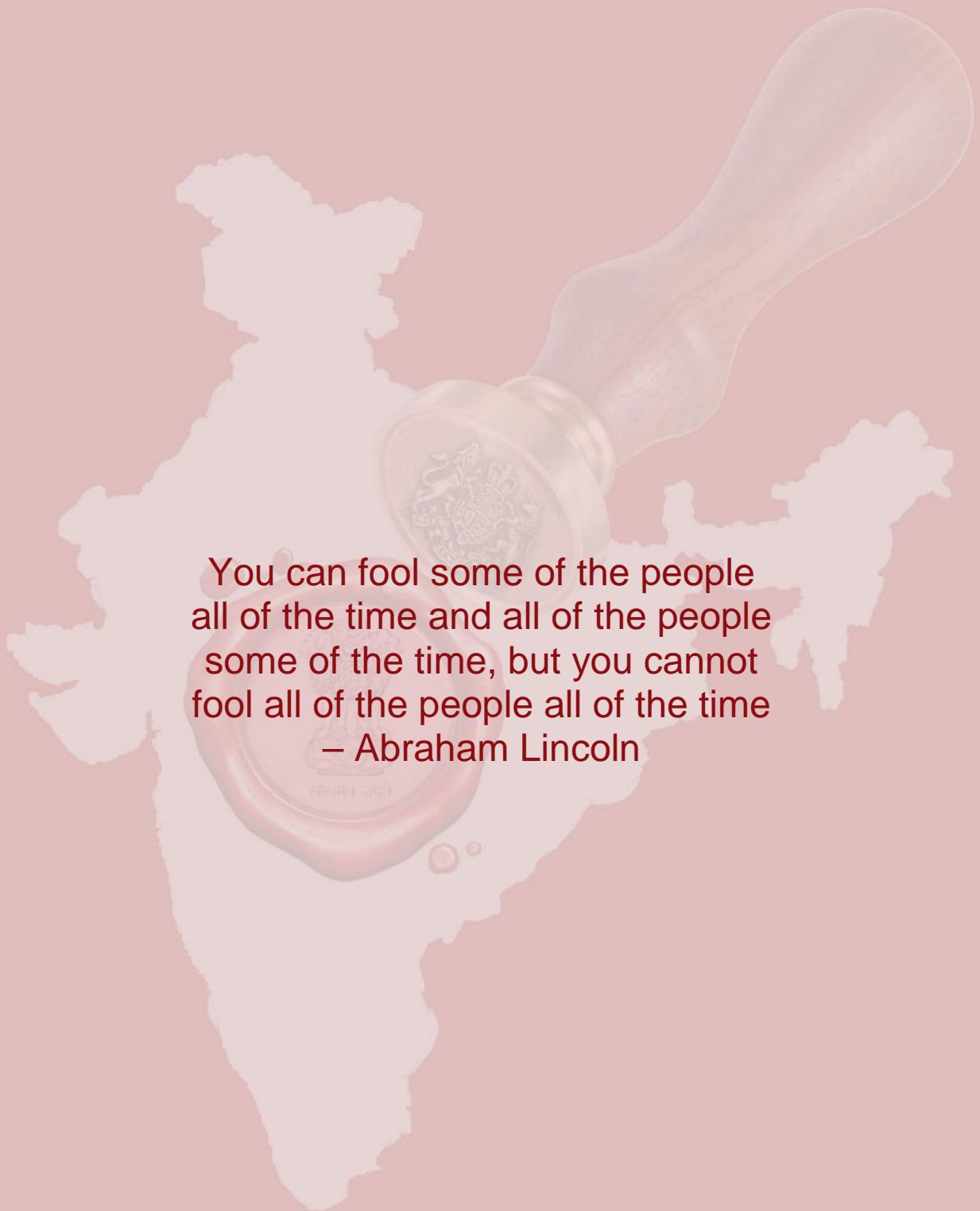
## Acts, Documents, Books referred:

1. The Constituent Assembly of India Debates
2. The British Nationality and Status of Aliens Act 1914 to 1943
3. British Parliament Debates [HC Deb 20 November 1931 vol 259 cc1173224]
4. Statue of Westminster, 1931
5. Reciprocity Act, 1943
6. Indian Independence Act, 1947
7. The India (Provisional Constitution) Order, 1947
8. Burma Independence Act, 1947
9. The Constitution of the Union of Burma, 1947
10. The British Nationality Act, 1948
11. London Declaration, 1949
12. India (Consequential Provisions) Act, 1949
13. The Constitution of India
14. The Constitution (Declaration as to Foreign States) Order, 1950
15. The Proclamation read on 26<sup>th</sup> January 1950
16. Adaptation of Laws Order, 1950
17. The Citizenship Act, 1955
18. Declassified Top Secret United Kingdom Cabinet Paper: C.M. (48) 67<sup>th</sup> Conclusions
19. Treaties entered between the British Crown and its former British Colonies United States of America, Egypt, Trans-Jordon, Burma, *the Sultan of Muscat and Oman in connection with Kuria Muria Islands, Bahrain, Qatar and United Arab Emirates*
20. Treaties entered between India and the Republic of France in connection with Chandernagore, Pondicherry, Karikal, Mahe and Yanam
21. Treaty entered between India and Portugal in connection with Goa, Daman, Diu, Dadra and Nagar Haveli
22. Agreement between India and the United Kingdom on transfer of Minicoy Island
23. Gerard-René de Groot, Maarten Peter Vink, Dual citizenship in the relationship India-Europe, CARIM-India RR 2013/26, Robert Schuman Centre

for Advanced Studies, San Domenico di Fiesole (FI): European University Institute, 2013

## 24. Various Republican and Commonwealth Constitutions





You can fool some of the people  
all of the time and all of the people  
some of the time, but you cannot  
fool all of the people all of the time  
– Abraham Lincoln

Dharma is not religion. Dharma is before any and every religion. Dharma is beyond all religions. Dharma is the mighty inviolable eternal cosmic law that governs all the visible and invisible, known and unknown material, spiritual, subjective, objective, physical, emotional, mental, intellectual, living and non-living process, products, and manifestations in all the universes of the cosmos.

- Dharma Saasana Pratishtaanam  
(Dharma Governance Foundation)